



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,562	10/13/2000	Alan T. Ruberg	P4822	9045
32291	7590	02/01/2005		
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER FERRIS, DERRICK W	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/687,562

Applicant(s)

RUBERG ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: Applicant fails to reference particular recited elements in the claims. Instead applicant argues generic elements in the claims. As such, the surrounding elements involving an "interconnect" are not recited in the claims (i.e., the structure of the interconnect is not recited in the claims). In particular, e.g., claim 1 does not recite "transmitting data achieved via a communication line" as argued by applicant on page 7 of applicant's arguments under 102(e). Specifically, e.g., in claim 1, applicant recites a bulk decoder that transmits data to an interconnect and an interconnect coupled to an output device. Applicant recites nothing more (i.e., no further communications lines with respect to an interconnect). As such, the NTSC/PAL encoder 45 or the communications line between the decoder 100 and the display 50 are an interconnect since these devices connect the decoder (or other device) to an output device. Furthermore, examiner's arguments are supported in light of applicant's own specification at page 11, lines 22-23 of applicant's specification. In particular, that a single channel line is a communications line which is an interconnect. Applicant then argues that the NTSC/PAL encoder 45 taught in Ozkan is not a decoder. As pointed out in the rejection, either the decoder 100 or the MPEG decoder 25 is the decoder (hence the term "decoder" as depicted in the drawings). Both interpretations of a decoder deliver the decoded data to display 50 (i.e., an output device). Applicant then argues "intermixed signals". In particular, applicant argues "the finer points" with respect to "intermixed data" which are not recited in the claims. Specifically, that applicant's invention not only divides the data into types of data (e.g., audio, video, data, etc.) but also applicant's specification divides the data into different protocol formats (e.g., MPEG, JPEG, H.261, etc.). Applicant argues that because Ozkan et al. does not teach the later of using different protocol formats that the reference does not anticipate the element. Again, the examiner respectfully disagrees. In particular, and yet again, the above difference is not recited in the claims. As such, the claim elements are met since Ozkan et al. teaches the limitation by dividing the data into different types of data as mentioned in the rejection. Similar arguments can be made based on the 103(a) rejection. For example, the examiner notes that a static configuration reads on adjusting the number of bulk decoders in accordance with system load.

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800 1/11/05



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7590 01/13/2005

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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 01/13/2005

↑  
incorrect  
address

Please find below and/or attached an Office communication concerning this application or proceeding.

To Whom it may concern:

Please

- 1) update correct address in PALM based on <sup>new</sup> address ~~is~~ filed in Power of Attorney on 7/12/2004.
- 2) re-mail attached Advisory Action.

Thanks,

Derrick  
1/31/05



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of

Ruberg et al.

Application No: 09/687,562

Filing Date: October 13, 2000

For: SHARED DECODER

Docket No. SUNMP580

Group Art Unit: 2663

Examiner: Ferris, D. W.

Date: July 8, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

Signed:

Courtney F. Yadegar

COMMUNICATION REGARDING STATEMENT UNDER 37 C.F.R. §3.73(b)-ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION AND POWER OF ATTORNEY BY ASSIGNEE (REVOCATION OF PRIOR POWERS)

RECEIVED

Commissioner for Patents  
P.O. Box 1450  
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JUL 15 2004

Technology Center 2600

Sir:

Applicants hereby attach a Combined Statement Under 37 C.F.R. §3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers, Appendix A, and Appendix B, with reference to the above-identified U.S. patent application. Applicants respectfully request this document be made of record.

As stated in the Power of Attorney please send all correspondence to:

MARTINE & PENILLA, LLP  
710 Lakeway Drive, #170  
Sunnyvale, CA 94085  
Customer No. 32291

Correct  
addr.

Applicants believe that no fees are due in connection with this filing, however, if it is determined that any fees are due, the Commissioner is authorized to charge such fees to Deposit Account 50-0805 (SUNMP580). If the Commissioner has any questions concerning this document, please contact the undersigned at the telephone number (408) 749-6900, ext. 6913.

Respectfully submitted,  
MARTINE & PENILLA, LLP

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Attorney Docket No: SUNMP580

## Correspondence Address for 09/687562

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